

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Clarence Dickens,

Civil 09-2425 JMR/FLN

Plaintiff,

v.

O R D E R

Warden John King, et al.,

Defendants.

---

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated October 27, 2009, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Plaintiff's Application to Proceed Without Prepayment of Fees, (Docket Nos. 2 and 5), is **DENIED**;
2. Plaintiff's motion for appointment of counsel, (Docket No. 3), is **DENIED**; and
3. This action is **DISMISSED WITHOUT PREJUDICE**.

DATED: November 16, 2009.  
at Minneapolis, Minnesota

s/James M. Rosenbaum  
JUDGE JAMES M. ROSENBAUM  
United States District Court